



GAIL FARBER, Director

COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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ALHAMBRA, CALIFORNIA 91803-1331

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ADDRESS ALL CORRESPONDENCE TO:
P.O. BOX 1460
ALHAMBRA, CALIFORNIA 91802-1460

November 10, 2015


The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

Dear Supervisors:

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

20 November 10, 2015


PATRICK OZAWA
ACTING EXECUTIVE OFFICER

**AMENDMENT TO CONSULTANT SERVICES AGREEMENT
AS-NEEDED ENVIRONMENTAL AND CULTURAL CONSULTANT SERVICES
BONTERRA PSOMAS CONTRACT NO. PW 13733
(ALL SUPERVISORIAL DISTRICTS)
(3 VOTES)**

SUBJECT

This action is to request Board approval of an amendment to Consultant Services Agreement No. PW 13733 with BonTerra Psomas to increase the total not-to-exceed fee by an additional \$700,000.

IT IS RECOMMENDED THAT THE BOARD:

1. Find that the proposed amendment to Consultant Services Agreement No. PW 13733 is not a project pursuant to the California Environmental Quality Act.
2. Approve and direct the Director of Public Works or her designee to execute an amendment to Consultant Services Agreement No. PW 13733 with BonTerra Psomas to increase the not-to-exceed fee by an additional \$700,000, increasing the total contract amount from \$2.5 million to a maximum \$3.2 million, and to fund services to assist Public Works in complying with unanticipated new requirements imposed by various Federal and State regulatory agencies on Public Works projects and maintenance of flood control infrastructures.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

In April 2013 the Department of Public Works entered into Consultant Services Agreement No. PW 13733 with BonTerra Consulting, LLC, for as-needed environmental and cultural consultant services

for a 2-year term with two 1-year renewal options. The maximum not-to-exceed fee under the agreement is \$2.5 million.

In December 2013 the company merged with Psomas and became BonTerra Psomas. On March 3, 2015, BonTerra Psomas' contract was extended for the first 1-year option, which is due to expire on April 30, 2017.

BonTerra Psomas services have been primarily used to support Public Works compliance with environmental regulations under the Federal Clean Water Act, the State Porter-Cologne Water Quality Control Act, and the California Fish and Game Code.

In particular, BonTerra Psomas has provided a substantial amount of assistance to Public Works with new regulatory requirements for maintenance work in flood control channels. The scope and magnitude of the new requirements imposed by State and Federal agencies resulted in accelerated use of the authorized funds.

The BonTerra Psomas contract currently has an approximate available balance of \$22,000. However, many of the regulatory compliance programs that BonTerra Psomas is involved with are ongoing with many required tasks anticipated through 2017.

The purpose of the recommended action is to increase the maximum contract amount for Consultant Services Agreement No. PW 13733 by an additional \$700,000 to provide sufficient funds to enable BonTerra Psomas to continue assisting Public Works with regulatory compliance activities for the various flood control system maintenance programs.

Implementation of Strategic Plan Goals

The Countywide Strategic Plan directs the provision of Operational Effectiveness/Fiscal Sustainability (Goal 1). The recommended action will allow for efficient and effective use of consultant expertise and experience to perform the required services that are not currently available within Public Works.

FISCAL IMPACT/FINANCING

There will be no impact to the County General Fund. The total maximum cost to Public Works for supplemental as-needed consultant services with BonTerra Psomas is for a not-to-exceed fee of \$700,000 for biological and environmental services and will increase the contract amount from \$2.5 to \$3.2 million. Financing for these services is available in the Fiscal Year 2015-16 Flood Control District and Road Fund Budgets.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

In recent years the need for environmental studies, biological surveys, and other biological services has increased substantially. This has been primarily due to increased requirements imposed by regulatory agencies, such as the United States Army Corps of Engineers, the Regional Water Quality Control Board, and the Department of Fish and Wildlife, on the operations and maintenance activities of the County and the Los Angeles County Flood Control District.

The existing contract was solicited through an open-competitive basis and is in accordance with applicable Federal, State, and County requirements. The consultant is in compliance with the requirements of the Chief Executive Officer and the Board.

A standard consultant services agreement, in the form previously approved by County Counsel, is currently being used. This consultant services agreement contains terms and conditions supporting the Board's ordinances, policies, and programs including, but not limited to: the County's Greater Avenues for Independence (GAIN) and General Relief Opportunities for Work (GROW) Programs; Board Policy No. 5.050; Contract Language to Assist in Placement of Displaced County Workers, Board Policy No. 5.110; Reporting of Improper Solicitations, Board Policy No. 5.060; Notice to Contract Employees of Newborn Abandonment Law (Safely Surrendered Baby Law), Board Policy No. 5.135; Contractor Employee Jury Service Program, Los Angeles County Code, Chapter 2.203; Notice to Employees Regarding the Federal Earned Income Credit (Federal Income Tax Law, Internal Revenue Service Notice 1015); Contractor Responsibility and Debarment, Los Angeles County Code, Chapter 2.202; and the Los Angeles County's Child Support Compliance Program, Los Angeles County Code, Chapter 2.200.

ENVIRONMENTAL DOCUMENTATION

In accordance with Section 15378(b)(5) of the California Environmental Quality Act (CEQA) Guidelines, the proposed action does not constitute a project and, therefore, is not subject to the requirements of CEQA. The approval of the agreement amendment is an administrative activity that will not cause a physical change in the environment.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Authorizing an additional \$700,000 to supplement the existing agreement with BonTerra Psomas will allow Public Works to comply with State, Federal, and local regulatory requirements and allow the continued operation and maintenance of its flood control infrastructure.

CONCLUSION

Please return one adopted copy of this letter to the Department of Public Works, Flood Maintenance Division.

The Honorable Board of Supervisors

11/10/2015

Page 4

Respectfully submitted,

A handwritten signature in cursive script that reads "Gail Farber".

GAIL FARBER

Director

GF:JC:sg

Enclosures

c: Chief Executive Office (Rochelle Goff)
County Counsel
Executive Office
Department of Public Social Services
(GAIN/GROW Program)

**AMENDMENT TO AGREEMENT FOR CONSULTANT SERVICES
NO. PW 13733**

This Amendment to Agreement for Consultant Services No. PW 13733, hereinafter referred to as "Amendment," is made and entered by and between the County of Los Angeles (County) and BonTerra Psomas, LLC, hereinafter collectively referred to as "Parties."

RECITALS

WHEREAS, Agreement for Consultant Services No. PW 13733 was entered into in April 2013, by and between County and BonTerra Consulting, LLC, and provides for BonTerra Consulting, LLC, to provide as-needed environmental and cultural consultant services to County for various projects throughout Los Angeles County for a maximum not-to-exceed fee of Two Million and Five Hundred Thousand Dollars (\$2,500,000); and

WHEREAS, in December 2013, BonTerra Consulting, LLC, merged with Psomas, and became BonTerra Psomas; and

WHEREAS, the Parties desire to increase the maximum not-to-exceed amount of Agreement for Consultant Services No. PW 13733 by an additional Seven Hundred Thousand Dollars (\$700,000);

NOW, THEREFORE, in consideration of the foregoing, the Parties hereby agree to amend Agreement for Consultant Services No. PW 13733 as follows:

The maximum not-to-exceed fee is hereby increased from \$2,500,000 to Three Million and Two Hundred Thousand Dollars (\$3,200,000).

Except as otherwise expressly amended herein, all other terms and conditions of Agreement for Consultant Services No. PW 13733 shall remain unchanged and in full force and effect.

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IN WITNESS WHEREOF, the Parties hereto have caused this Amendment to be executed by their duly authorized representatives as follows:

BONTERRA PSOMAS

By: _____ Dated: _____
Vice President

By: _____ Dated: _____
Vice President

County of Los Angeles

By: _____ Dated: _____

APPROVED AS TO FORM:

MARY WICKHAM
Interim County Counsel

By  _____
Deputy